

APPENDIX VI.

Section 62 (N. 2).

NOTIFICATION.

No. 2154, dated 1st March, 1909.

In exercise of the powers conferred by section 62 of the Bombay Land Revenue Code, 1879, the Governor in Council is pleased to direct that in the Thana and Kolaba districts and in any other district to which Government may hereafter by notification extend these orders, the following conditions, regulating the cutting of trees for tahal, shall be annexed to the occupancy before permission to occupy is granted under section 60 of the said Code, namely :—

Conditions.

1. Save as provided in conditions 2 and 3 no occupant shall in the land occupied cut down, pollard, or lop any tree whatever.

2. An occupant may in the land occupied cut down, lop or pollard for his own use injaili trees that are not fruit trees in accordance with the following rules but not otherwise :—

(a) in the case of injaili trees 10 feet high or higher—

- (i) the leading shoot must be permanently preserved along with all shoots from the topmost third of the main stem ;
- (ii) shoots that have taken less than 2 years to grow may not be touched : only shoots that have taken 2 years or more to grow may be lopped off ;

(b) in the case of injaili trees less than 10 feet high—

- (i) where several stems spring from the same root or stump the best of such stems with all shoots from it shall be left untouched till the stem is 10 feet high, but all other shoots from the root or stump or from the ground within a yard of the untouched stem may be cut down to the ground;
- (ii) no stem growing singly may be cut or its side shoots lopped, unless it has an untouched stem growing within a yard of it.

Provided that, with the previous permission of a revenue-officer not lower in rank than a Mamlatdar, such occupant may cut down for his own use—

(a) any injaili tree not useful for tahal or fruit, and

(b) any fruit tree and any leading shoot or best stem preserved under clause (a) (i) or (b) (i) of this rule when in the opinion of such officer such tree, shoot or stem is no longer useful for fruit or tahal,

3. With the previous permission of a revenue-officer not inferior in rank to an Assistant or Deputy Collector, an occupant may in the land occupied cut down for his own use any tree other than an injaili tree.

Explanation.—The Collector or Prant Officer may, by written order delivered to the patel, authorize the occupants of a village to cut down the after-growth of teak, blackwood and tivas, subject to the condition that two leading shoots from each stump with all their branches are left permanently untouched and may at any time modify such order by withdrawing such authority either from particular occupants or from all the occupants or in respect of particular areas, and such order as so modified shall be a saving order under condition 3.

Note.

1. In these conditions—

- (a) the word "tree" includes all ground shoots which grow into trees, such as Kuda, Kudi, Pethari and Chera, but does not include bushes; and the word "bush" shall be deemed to include all ground shoots which do not grow into trees such as Karand, Ukshi, Phangli, Dhaiti and Nirgudi ;
- (b) the word "occupant" includes—
 - (i) all persons who personally cultivate the soil, whether as tenants or in their own right ;
 - (ii) all landlord residents in a village and holding land therein, whether they cultivate the soil personally or through tenants ; — but does not include non-resident landlords. >